

LER Connections

February
2014



New Conflict Facilitation Process Up and Running

Addressing conflict in the workplace can be a challenge. When it comes to bargaining unit employee and supervisor conflict, the traditional methods of addressing it, e.g., grievances, often result in unresolved conflict, if not deepening resentment and festering issues. During the most recent round of negotiations between the County and UFCW 1994 MCGEO, the County and the Union agreed to implement a groundbreaking new program called the Conflict Facilitation Process (CFP). The CFP is a two-year trial program that, in essence, replaces the old Article 52 of the County-MCGEO collective bargaining agreement. The parties agreed that Article 52 had not been effective at addressing the issues that it was intended to address and committed to developing a process that would be fair, balanced and constructive. What is groundbreaking about the CFP?

It establishes a cadre of CFP Facilitators with the County and Union each designating 12 representatives

The Facilitators act as neutrals, not advocates, in the process

Conflicts are addressed by a Co-Facilitation team of one County-appointed Facilitator paired with one Union-appointed Facilitator

Either a bargaining unit employee or a supervisor/manager can initiate the process

The process is intended to be an attempt to address conflict in a productive collaborative way

The County and the Union have committed to participate in the process in good faith and to not use the process in any way to retaliate against employees or to intimidate managers who are managing responsibly

The Facilitator cadre recently spent three days being trained by mediators from the Federal Mediation and Conciliation Service (FMCS). The County and the Union have appointed Steve Sluchansky (OHR) and Yvette Cuffie (MCGEO Secretary-Treasurer), respectively, as CFP Co-Coordiators.

The CFP is now functioning and supervisors and managers, as well as MCGEO bargaining unit employees, can now access it. If a non-bargaining unit supervisor or manager has a situation that he/she believes might be appropriate for the CFP, or has any questions about the program, they should contact Steve Sluchansky at 240-777-5026.

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Valentine's Day is celebrated during the month of February. It is also an appropriate time to review Montgomery County's Personnel Regulations addressing dating in the workplace. Montgomery County does not prohibit relationships in the workplace. However, if you are involved in an intimate relationship with your subordinate or supervisor, you should comply with policy **3-7. Sexual or romantic relationships in the workplace** of the MCPR.

BOTTOM LINE: You must advise the Department Director if you are involved in a romantic or sexual relationship with an employee under your direct or indirect supervision.

At times, workplace harassment claims arise when the request for a date is asked repeatedly or the request is inappropriate. "No" simply means "no!" You can not keep asking an employee or "court" them in the workplace if they are unresponsive or reject such advances. Complaints also arise when a relationship between co-workers ends and one party still wants to continue with the relationship. You cannot try to win them back via County email, County phone or during County work hours. Again, if an employee rejects or is unresponsive to an advance or reconciliation after the very first time, no-simply means no.

Labor & Employee Relations News

The County and the MCVFRA have successfully reached settlement for their new contract beginning July 1, 2014!

IMPORTANT NOTICE ABOUT ADRs

OHR and MCGEO have agreed to move the ADR process to Public Safety HQ, 100 Edison Park Drive, Gaithersburg, MD.

ADR participants should check in with Security upon arrival.

Upcoming Trainings:

Labor and Employee Relations

February 20th – Workplace Violence

February 26th – Intro to Managing in a Union Environment

March 20th – Managing Conflict in a Union Setting

April 15th - Intro to Managing in a Union Environment

April 24th – Workplace Violence

June 5th – Managing Conflict in a Union Setting

~Labor & Employee Relations Team~

Labor Relations: Sarah Cook, Lasantha Dahanaik, George Lacy (Police Labor Manager), Jackie LaRocca, Stuart Weisberg, Teresa White, Mike Woodruff, Steve Sluchansky (L/ER Manager)

EEO: Angela Washington (EEO Officer), and Patricia Miller

Disability Program Manager: Ricky Wright

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New County/MCGEO Sick Leave Bank

The new Sick Leave Bank (SLB), for MCGEO bargaining unit employees will be implemented on February 23. The one-year trial program replaces the Sick Leave Donor Program (Article 15.7). A joint committee of the County and MCGEO worked on the new SLB for over a year, developing the policy and procedures and then publicizing it to MCGEO members.

Nearly 2,000 MCGEO bargaining unit employees joined the SLB by contributing eight hours of annual and/or sick leave. The enrollment period ended in December 2013 and there will be no additional enrollment periods during 2014. Employees qualify for the SLB by documenting their own or a family member's illness and exhausting their paid leave balances. Employees may access SLB leave for up to 18 weeks. The SLB is the exclusive program available to MCGEO members who need leave for medical situations. MCGEO bargaining unit employees may no longer solicit leave from, or contribute leave to, other employees. The SLB is overseen by a joint County/MCGEO Committee. In the event that the SLB runs out of leave, the Committee has the authority to implement a one-time additional assessment of four hours from the members of the SLB.

Since the SLB is a one-year trial, the success of the program will be assessed by the County and the Union at the end of that year. At that time, it may be continued as originally implemented, retained but revised, or terminated. If it were to be terminated, the former Sick Leave Donor Program would be reinstituted.

Get to know the Labor & Employee Relations Manager: Steve Sluchansky

[Each issue, we will highlight a member of the L/ER Team.]

Steve is the Deputy Director of OHR and the Manager of the Labor and Employee Relations Team. He has been with the County for three years and was previously Employee and Labor Relations Manager for the National Education Association. He has been involved in collective bargaining and labor relations for over 35 years, having represented both labor and management. He prefers interest-based bargaining methods, which, he believes, contribute to more effective, durable, understandable and creative solutions to issues in the workplace. He has a BA from the University of Maryland and an MA from Antioch University.

Words to live by (or, at least, practice labor and employee relations by): You cannot continuously improve interdependent systems and processes until you progressively perfect interdependent, interpersonal relationships. – Stephen Covey



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Leave Issues FAQs #2

(These questions are based upon actual questions received by OHR.)

When can a department create & implement an attendance policy, similar to DOT's?

A policy governing attendance may be developed at any time. However, if the policy is to apply to bargaining unit employees, then the provisions of the policy must be discussed with & approved by the union before the policy may be implemented.

Before initiating the process to draft an attendance policy, consideration should be given to the underlying reason for establishing the policy. Written policies are often viewed as a panacea for attendance issues, when in reality, a consistent application of the established guidelines is all that is needed. With or without a policy, communication is vital. Employees must know what is expected of them & understand that these expectations will be consistently enforced.

If an employee returns from using annual leave & requests that some of the leave be changed to sick leave because the employee claims to have been sick during that time, can that be done?

Yes. However, the employee must inform the supervisor as soon as possible about the illness. When the employee returns back to work, he/she must provide a medical certification from a licensed healthcare provider.

Can an employee who has a substantial annual leave balance but very little sick leave, & who has an upcoming surgery, have the annual leave switched to sick leave for the surgery?

While the annual leave cannot be converted into sick leave, employees are able to use annual leave for sick leave purposes. If an employee has a surgery scheduled without enough accrued sick leave, supervisors should not unreasonably deny the annual leave request.

What are the reasons to disapprove a request for annual leave?

The primary reason for denying a request for annual leave is operational need, i.e., there must be a legitimate business need to require that the employee be at work. The County/MCGEO CBA sets a high bar for supervisors in making this decision. The CBA states, "Every effort must be made to give each employee the opportunity to use annual leave earned." A supervisor who denies a request for annual leave must be able to show that the decision was not arbitrary but based upon legitimate operational requirements. If a request for leave is going to be denied, the supervisor should discuss with the employee other opportunities for the employee to use the leave.

When can an employee use bereavement leave & who is authorized to approve bereavement leave?

An employee who has experienced the death of an immediate family member may be granted up to 3 workdays of administrative leave for bereavement to be taken within 15 days of the death.

"Immediate family" is defined in Section 1-32 of the Personnel Regulations & Section 19.1(f) of the MCGEO CBA. The definition of immediate family does not include aunts, uncles, & cousins. A Department Director may approve bereavement leave in connection with a death in the employee's immediate family. While deaths outside of an employee's immediate family are generally not covered by bereavement leave, in some instances, the OHR Director has made exceptions because of an employee's demonstrated close relationship with a non-covered relative, where, for example, they grew up together in the same household or the relative was living with the employee at the time of his death, or because of extenuating or special circumstances.